

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE:

CASE NO.: CACE 24-005243

HERON POND CONDOMINIUM  
ASSOCIATION, INC.

Petitioner.

v.

HERON POND CONDOMINIUM  
ASSOCIATION, INC.,

Defendant/Respondent

---

**NOTICE OF FILING PART 2 OF FINAL ENGINEERING REPORT OF SPECIALTY  
ENGINEERING CONSULTANTS, INC. DATED NOVEMBER 5, 2024**

Daniel J. Stermer, not individually, but solely in his capacity as Court Appointed Receiver (the "Receiver"), over the Heron Pond Condominium Association, Inc., (the "Association") by and through its undersigned counsel, hereby gives notice of filing Part 2 of the attached final Engineering Report of Specialty Engineering Consultants, Inc. dated November 5, 2024, opining on the existing condition of Building 9.

Dated: November 20, 2024

Respectfully submitted,

BERGER SINGERMAN LLP  
*Counsel for Receiver*  
201 East Las Olas Blvd.  
Suite 1500  
Fort Lauderdale, FL 33301  
Tallahassee, FL 32301  
Tel. (954) 525-9900

By: /s/ Brian G. Rich

Brian G. Rich  
Florida Bar No. 38229  
brich@bergersingerman.com

Jeffrey S. Wertman  
Florida Bar No. 003093  
JWertman@bergersingerman.com  
Michael J. Niles  
Florida Bar No. 107203  
mniles@bergersingerman.com

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I HEREBY CERTIFY that on this 20th day of November 2024, the foregoing was filed electronically through the Florida Court's E-Filing Portal, which will send notice of electronic filing to all electronic service parties.

By: /s/ Brian G. Rich  
Brian G. Rich



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #15



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

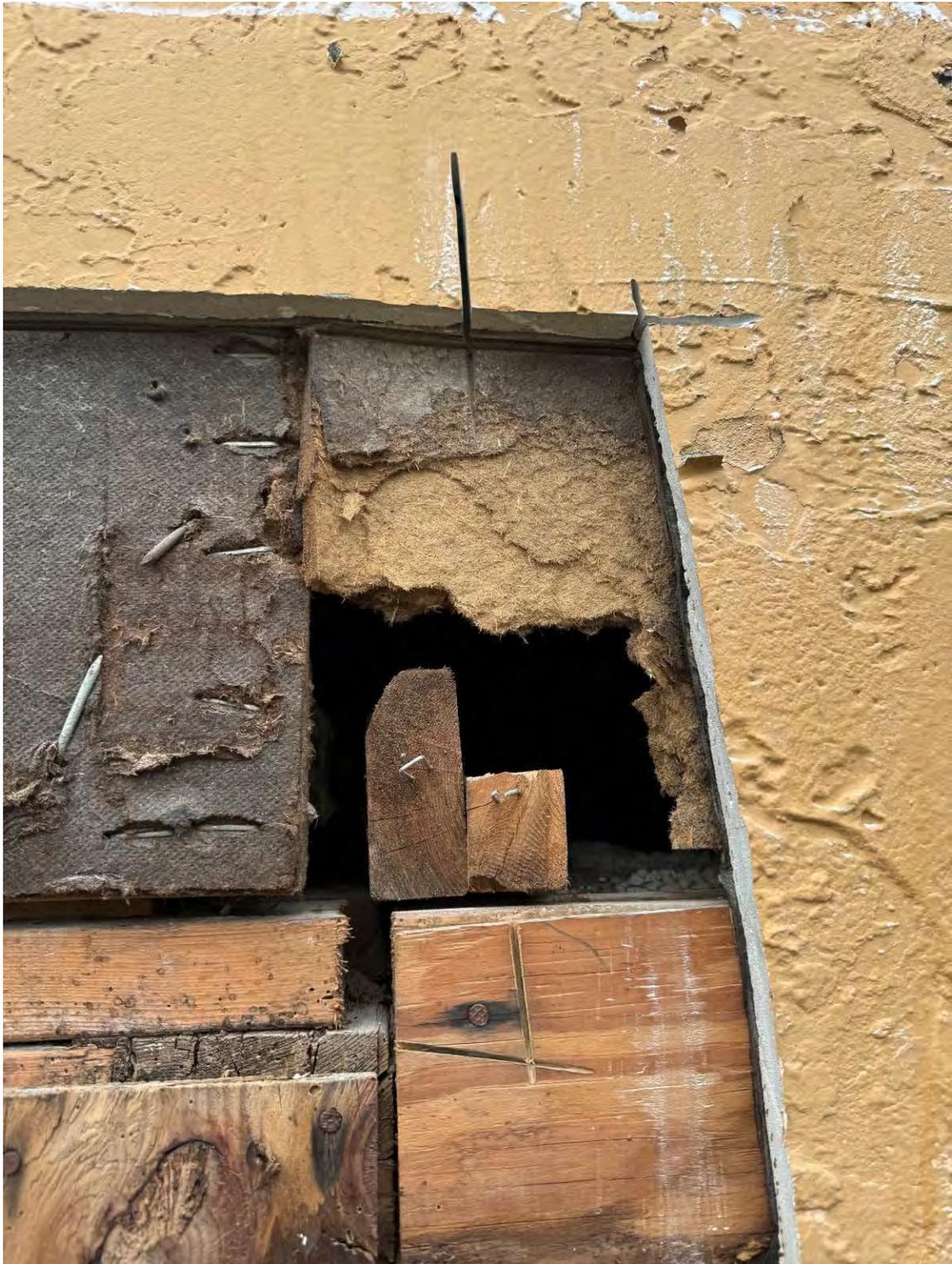
*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







## OPENING #15 OBSERVATIONS:

- Wall sheathing has water damage and termite damage
- 2<sup>nd</sup> floor wall stud has water damage and termite damage
- Ceiling joist has water damage and termite damage
- No connections at gabled end to 2<sup>nd</sup> floor bearing wall
- Water damage at the entire length of exterior balcony joist



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*

# OPENING #16





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #16 OBSERVATIONS:

- Truss strap has 1 nail
- 2<sup>nd</sup> floor stud has no metal connection to base plate
- Floor sheathing is  $\frac{3}{4}$ " thick
- Floor truss completely disintegrated – water damage and termite damage
- 3 member column completely deteriorated



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #17



**SPECIALTY ENGINEERING CONSULTANTS, Inc.**

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #17 OBSERVATIONS:

- Termite damage to sheathing
- Termite damage to bottom plate
- Wall stud not bearing on bottom plate
- No connection to stud to bottom plate



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #18



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

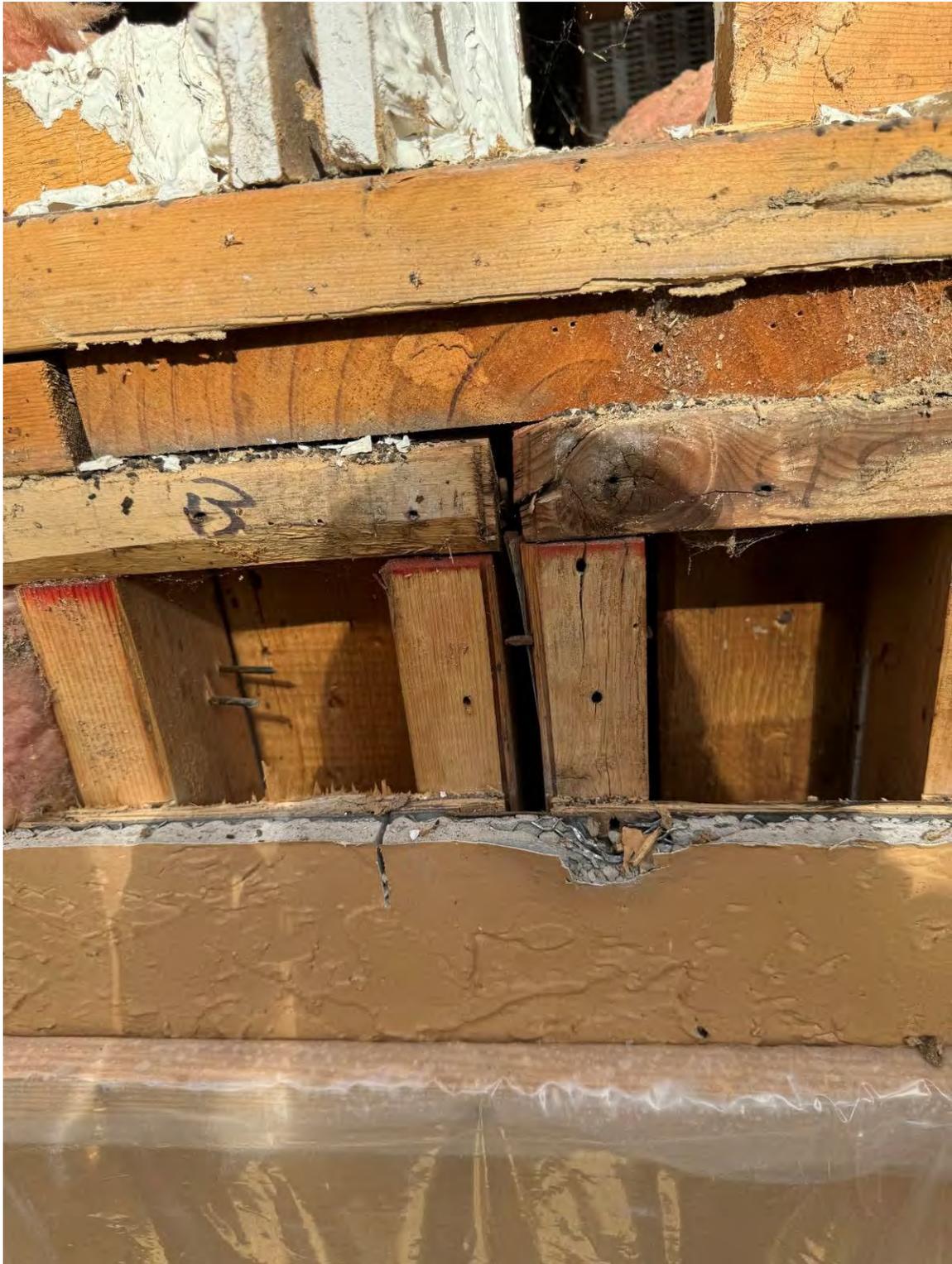
*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #18 OBSERVATIONS:

- No metal connections from studs to top or bottom plate
- Termite damage to studs, bottom plate and top plate
- Termite damage to floor truss
- 2<sup>nd</sup> layer of top plate topped with 2x12
- No fire separation 1<sup>st</sup> floor visible



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*

# OPENING #19





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #19 OBSERVATIONS:

- No connection from 1<sup>st</sup> floor vertical to top plate
- Single top plate no connection from floor truss to 1<sup>st</sup> floor wall
- Single member sill plate for 2<sup>nd</sup> floor
- No connection 2<sup>nd</sup> floor stud to sill plate
- 2<sup>nd</sup> floor sheathing has no nail connection where the 2<sup>nd</sup> top plate member should be
- 2<sup>nd</sup> floor sheathing not nailed along bottom edge



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*

# OPENING #20



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







## OPENING #20 OBSERVATIONS:

- 1<sup>st</sup> floor stud split
- 1<sup>st</sup> floor stud not connected to bearing wall
- Drywall present 1<sup>st</sup> floor
- Double top plate present
- Double top plate termite damage and water damage
- 1<sup>st</sup> floor wall termite damage and water damage
- Floor truss termite damage and water damage
- 2<sup>nd</sup> floor bearing wall single bottom plate?
- No connections 2<sup>nd</sup> floor bearing wall to bottom plate
- Termite damage to bottom plate and plywood flooring



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #21



SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach





SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*









SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #21 OBSERVATIONS:

- Window header termite damage and water damage
- 1<sup>st</sup> floor top plate termite damage and water damage
- Floor truss termite damage and water damage – top and bottom
- 2<sup>nd</sup> floor floor sheathing water damage and termite damage
- Single member bottom plate termite damage and water damage
- 2<sup>nd</sup> floor wall stud not connected to bottom plate



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

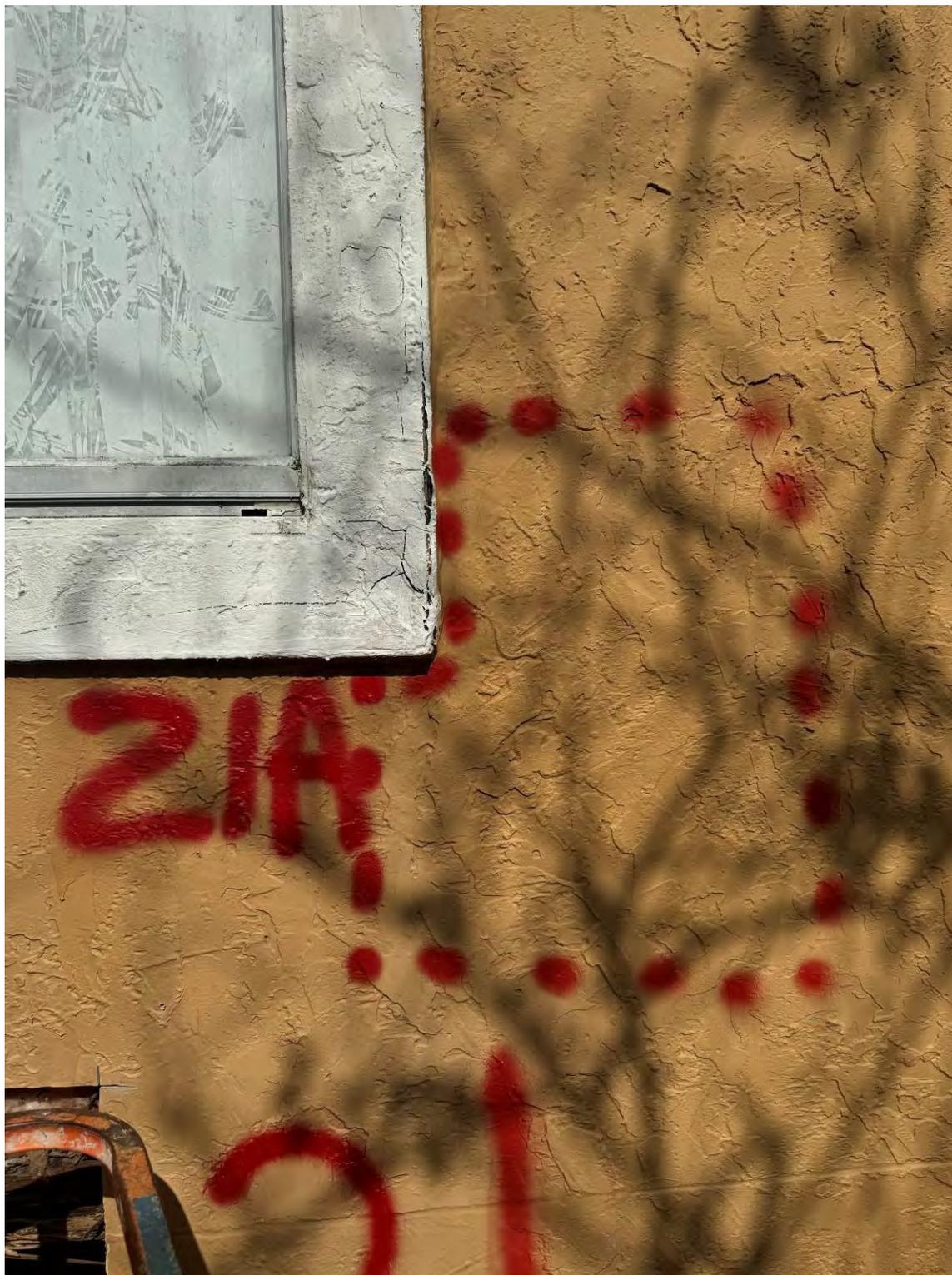
*Dade • Broward • Palm Beach*

# OPENING #21A



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

## OPENING #21A OBSERVATIONS:

- 2<sup>nd</sup> floor wall stud water damage and termite damage
- Water intrusion around window



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #22





SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

## OPENING #22 OBSERVATIONS:

- Gabled end sheathing felt-board not plywood
- 2<sup>nd</sup> floor wall stud connected to top plate with 1 clip



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #23





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #23 OBSERVATIONS:

- Balcony 2x12 destroyed
- Beam at north edge destroyed
- Bottom sill plate for 2<sup>nd</sup> floor wall destroyed
- Wall studs and bottom plate water damage and termite damage
- Metal connectors present and nailed, but compromised by corrosion
- Wall sheathing pressed wood OSB not plywood



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #24



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

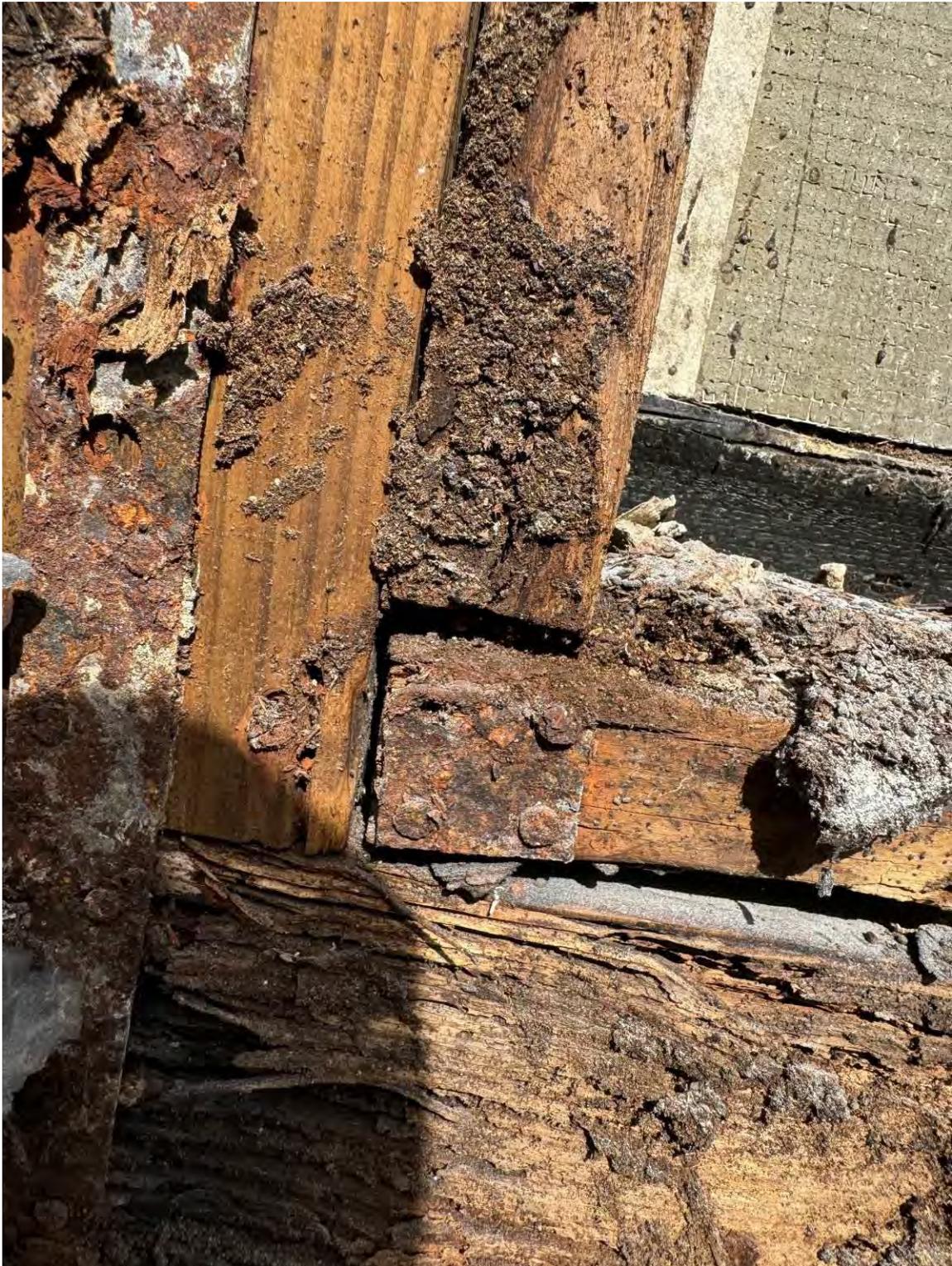
*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







## OPENING #24 OBSERVATIONS:

- 2x12 floor joist termite damage and water damage
- 2<sup>nd</sup> floor wall studs termite damage and water damage
- Evidence of a metal connecting plate at 1 wall stud to bottom plate completely deteriorated
- Wall sheathing OSB
- 3/4" gap between floor joist and sill plate indicating deflection of floor joist
- At end of cut, the gap is 3/4"
- At start of cut, gap is 3/8"
- Metal strap deteriorated = comprised



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #25



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*











## OPENING #25 OBSERVATIONS:

- 1<sup>st</sup> floor wall studs not connected to top plate
- 1<sup>st</sup> floor wall studs water damage and termite damage
- Top plate layer joint not staggered
- Floor joist no clips to bearing wall
- 2<sup>nd</sup> floor sill plate termite damage and water damage
- 2<sup>nd</sup> floor wall stud not connected to sill plate



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*

# OPENING #26



SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #26 OBSERVATIONS:

- 2<sup>nd</sup> floor bay window – shored in place
- Wall studs completely deteriorated
- Wall sheathing deteriorated
- Floor joists deteriorated
- No straps from wall studs to floor joists
- Large cracks in remaining sheathing and around windows
- Floor sheathing deteriorated
- Interior drywall exposed and compromised
- Wire lath and corner bead deteriorated



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #27



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #27 OBSERVATIONS:

- Wall stud in good shape
- Wall stud not clipped to top plate
- Gabled end covered with felt board not plywood



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# OPENING #28



SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #28 OBSERVATIONS:

- Wall stud in pretty good shape
- Wall studs not clipped to top plate
- Gabled end sheathed with felt board



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

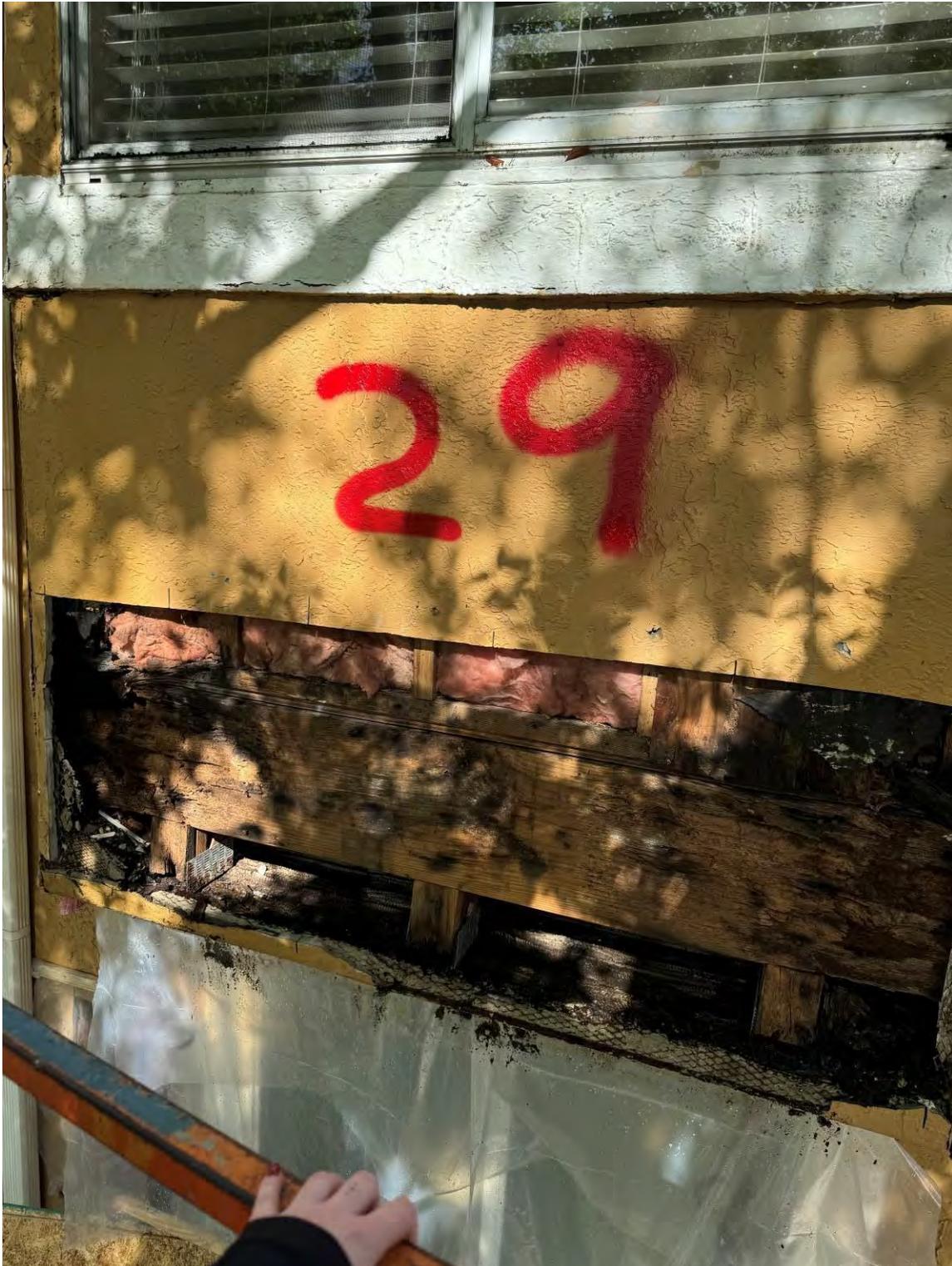
*Dade • Broward • Palm Beach*

# OPENING #29



SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## OPENING #29 OBSERVATIONS:

- Floor joists water damage and termite damage
- 2x12 bearing member water damage, termite damage, not strapped to floor joists
- 2<sup>nd</sup> floor wall studs not strapped to bottom plate
- Bottom plate destroyed
- Floor sheathing destroyed
- Wall sheathing destroyed



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

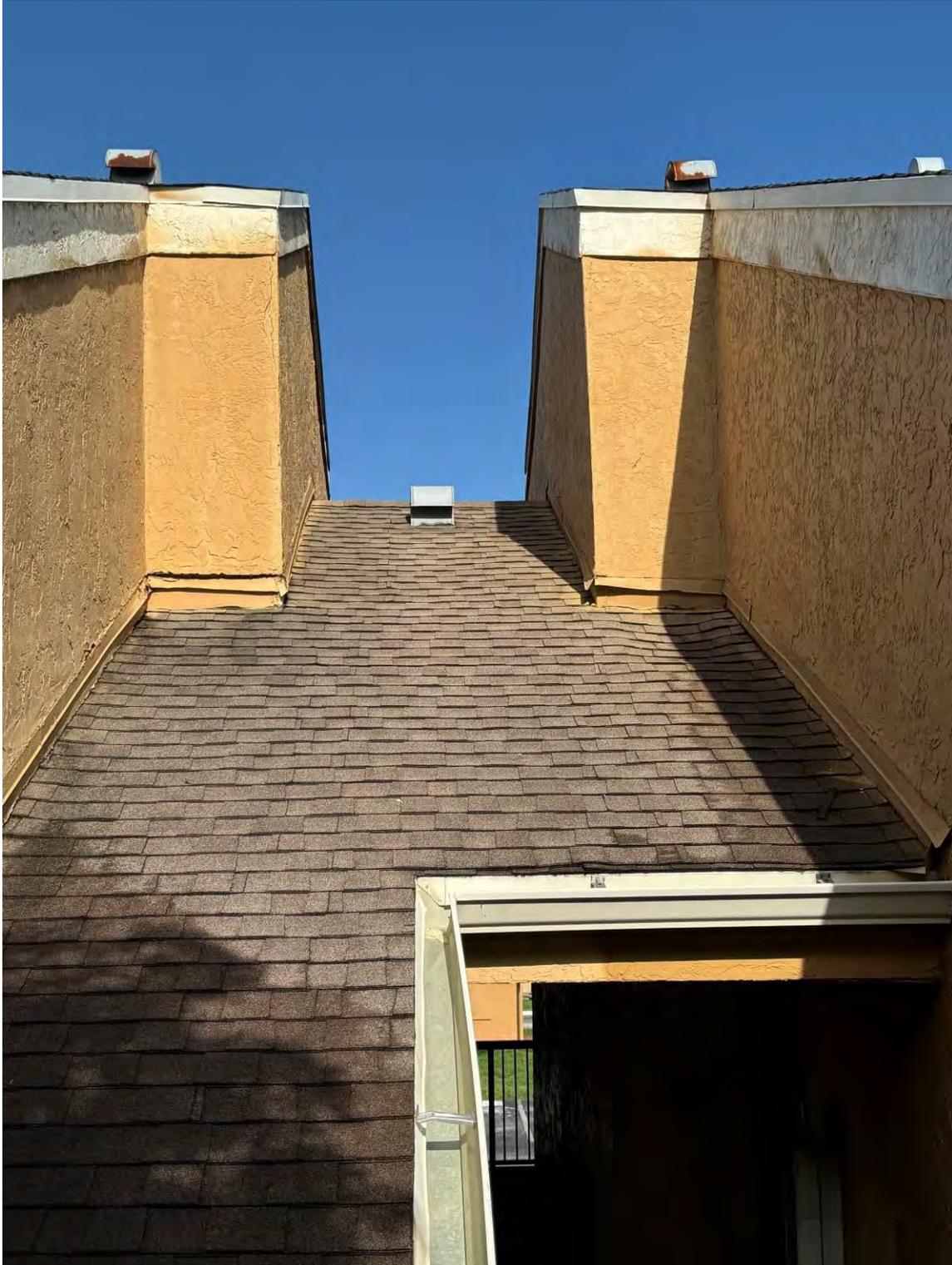
# MISC. ROOF AREA



---

SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





**SPECIALTY ENGINEERING CONSULTANTS, Inc.**

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





## MISC. ROOF AREA OBSERVATIONS:

- Large depressions at both walls
- Cracking above and around flashing
- Probable sheathing and or truss damage
- Significant stucco cracking various spots



SPECIALTY ENGINEERING CONSULTANTS, Inc.

---

*Dade • Broward • Palm Beach*

# UNIT #107 INTERIOR







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*











SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*



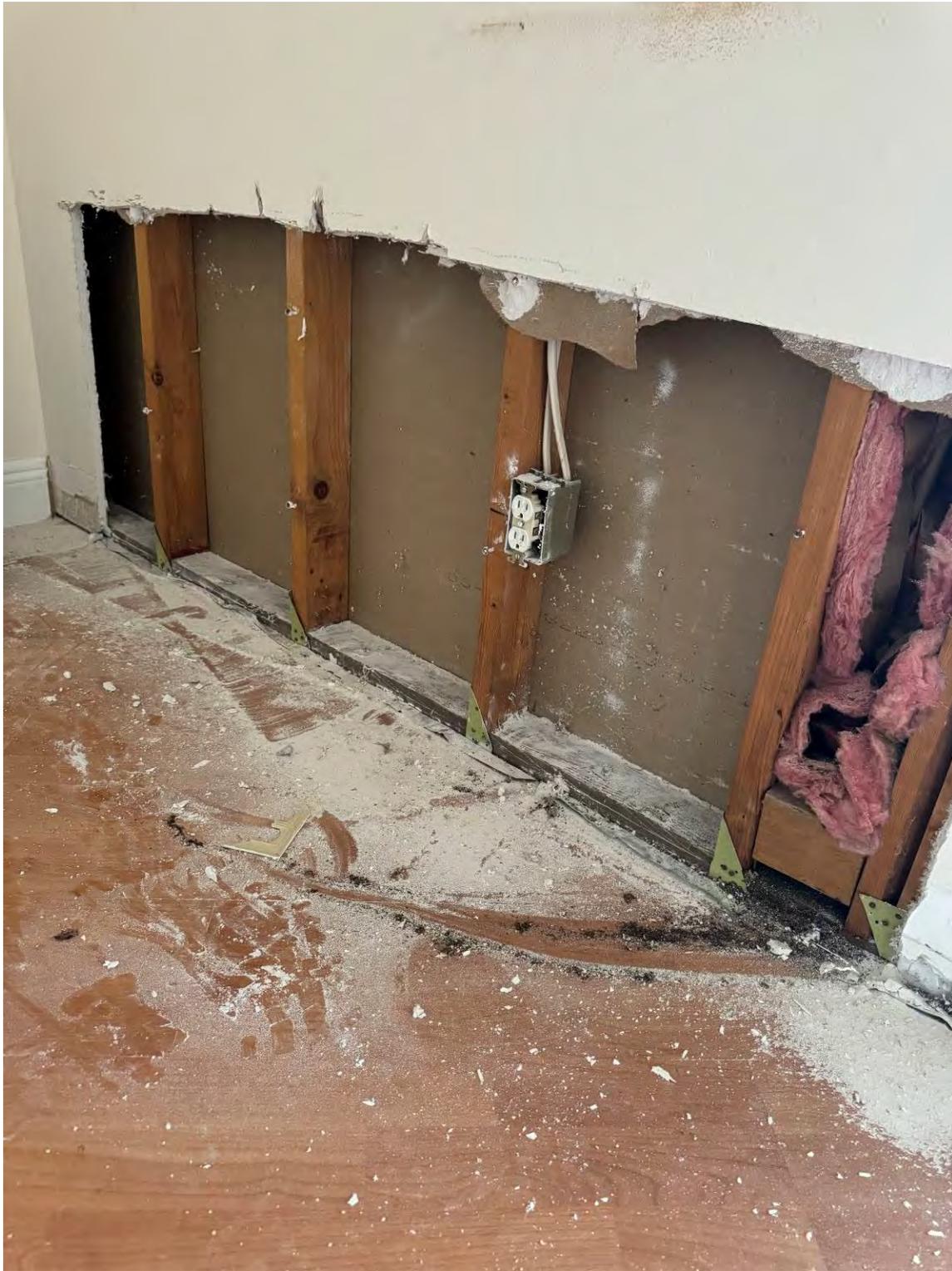




**SPECIALTY ENGINEERING CONSULTANTS, Inc.**

*Dade • Broward • Palm Beach*











SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach

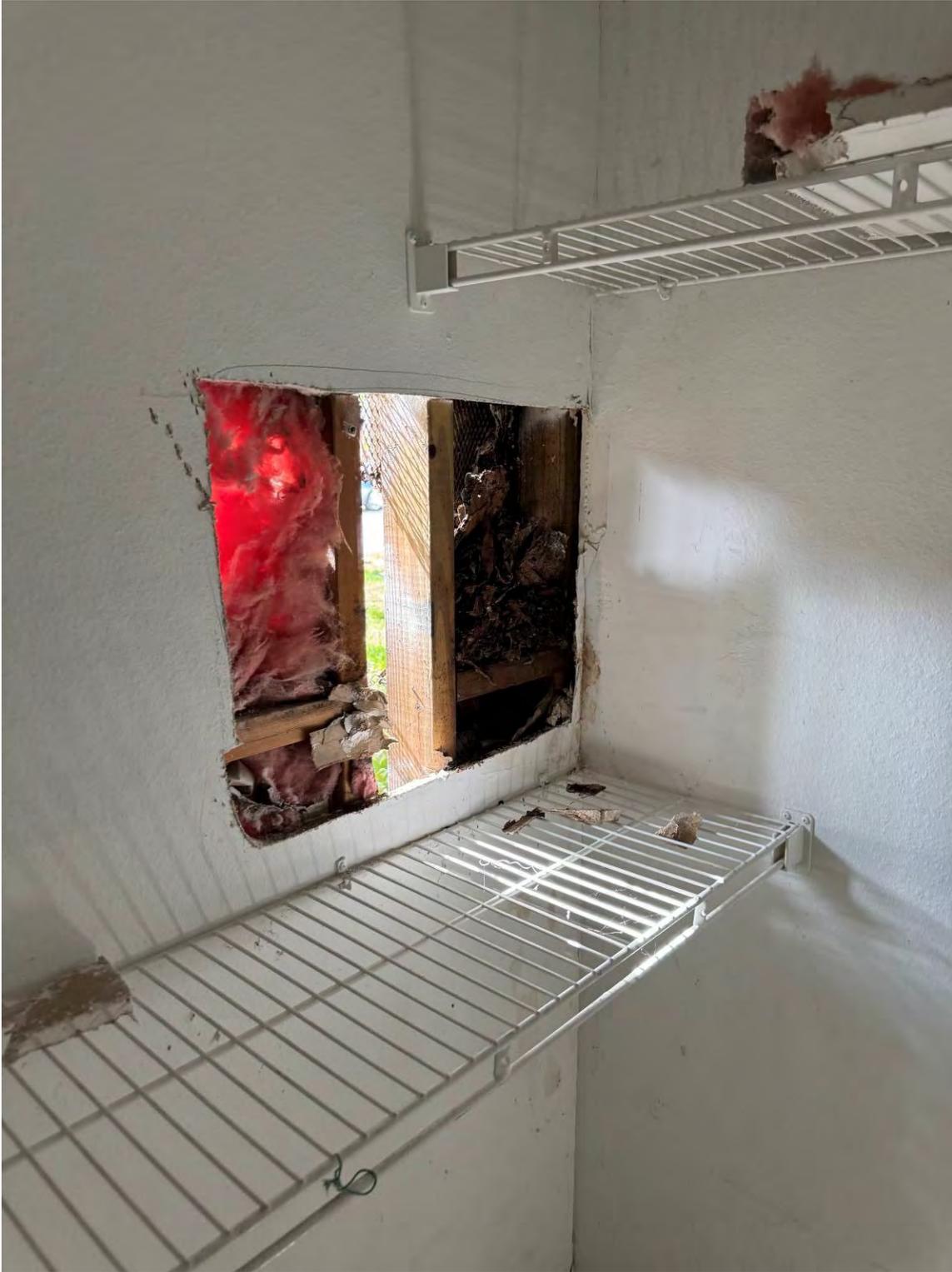




SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*







SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*









SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*





SPECIALTY ENGINEERING CONSULTANTS, Inc.

*Dade • Broward • Palm Beach*



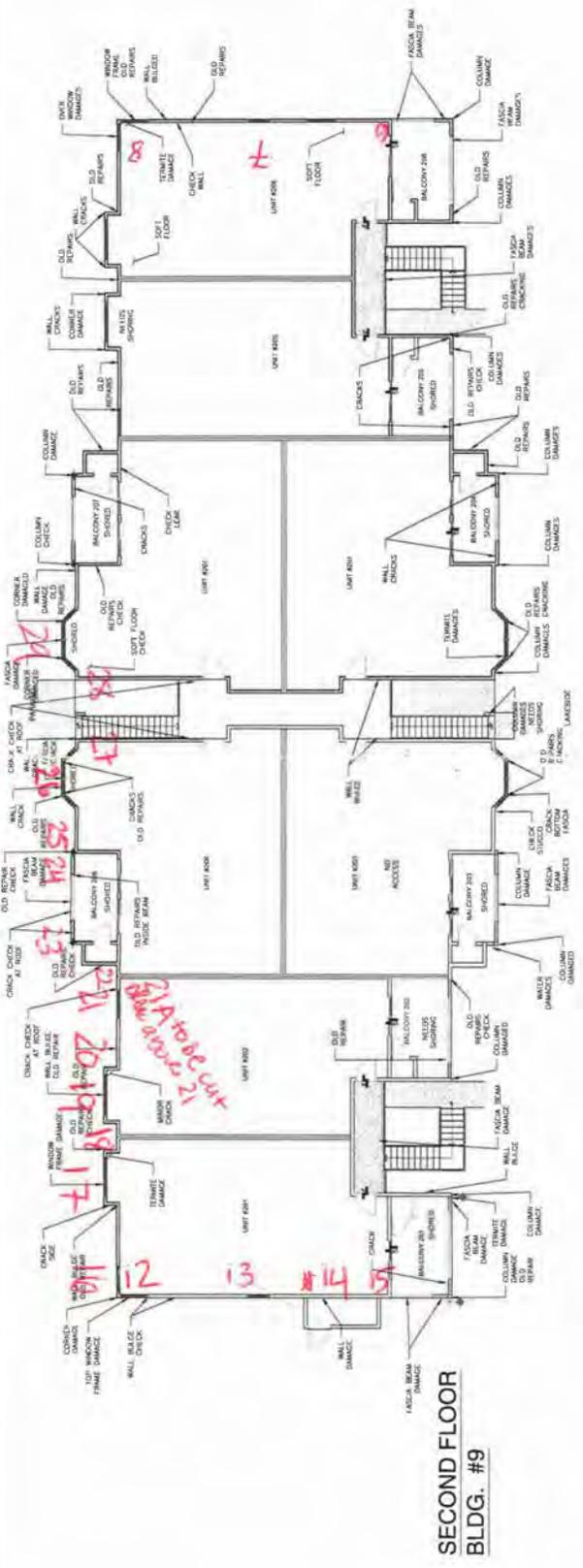
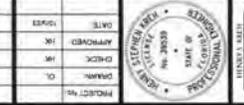




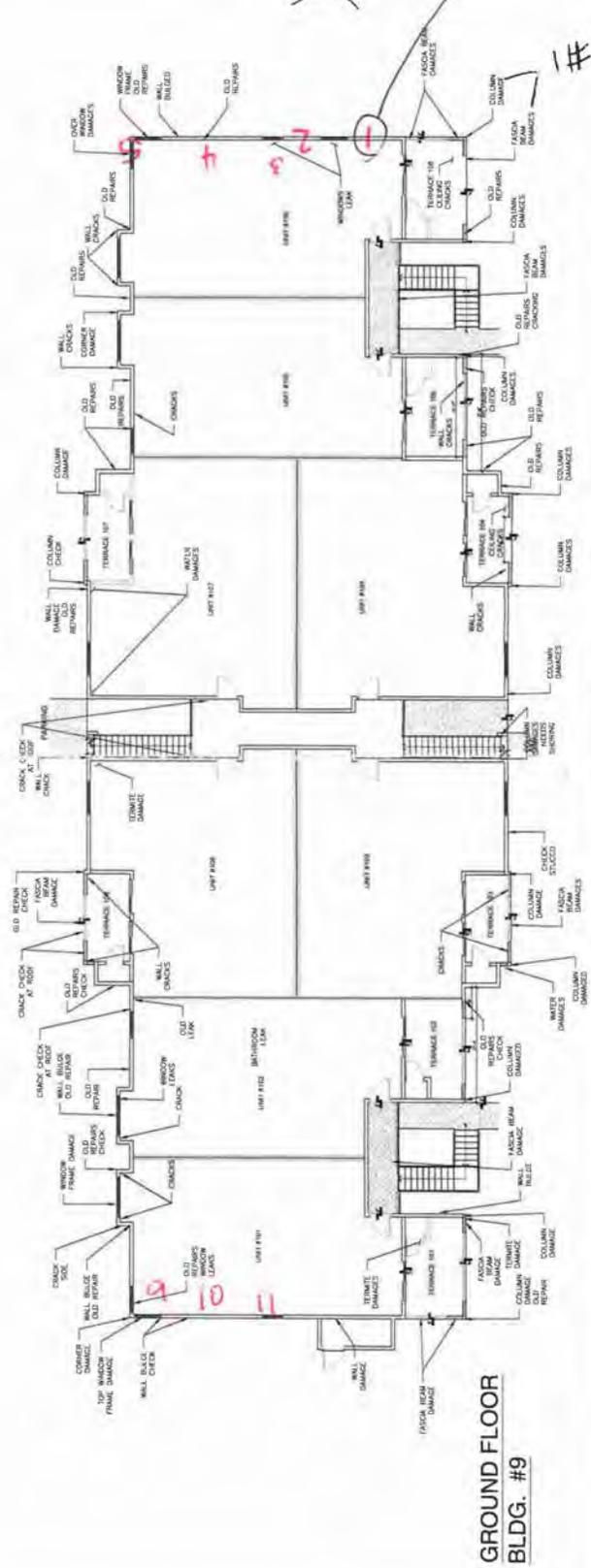
## UNIT #107 INTERIOR OBSERVATIONS:

- 2<sup>nd</sup> wall shows signs of 2 layers of drywall in part of the cut away
- No anchor bolts from bearing wall to slab on grade
- Many studs not clipped to the sill plate or to the top plate
- Exterior wall at patio no anchor bolts
- Bedroom exterior wall water damage and termite damage
- Bedroom exterior wall no anchor bolts, no stud clips
- Bedroom closet water damage, missing draft stop

DATE	
PROJECT NO.	
CONTRACTOR	
NO.	
MARK	
DATE	
NO.	
NO.	



SECOND FLOOR  
 BLDG. #9



GROUND FLOOR  
 BLDG. #9

#2

#